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IN THE SUPREME COURT STATE OF ARIZONA

In the Matter of:)	Supreme Court No. R-12-0003
)	
PETITION TO AMEND)	Comment to Section (e)(1)(H)
RULE 123, RULES OF THE)	Regarding Employee
SUPREME COURT OF ARIZONA)	Discipline Records
and RULE 2.3, RULES OF)	
CRIMINAL PROCEDURE)	

Jennifer Greene, Assistant Counsel, Administrative Office of the Courts, respectfully submits this comment to inform the Court of action taken on the proposed amendment to Rule 123(e)(1)(H) by the Supreme Court Committee on Probation and the Committee on Superior Court.

AOC Legal Counsel presented the proposed amendment to 123(e)(1)(H) to the Committee on Probation on April 27, 2012, and the Committee on Superior Court on May 18, 2012. The Committee on Probation did not have an opportunity to consider the amendment before the petition was filed. The Committee on Superior Court approved the petition before it was presented to the Arizona Judicial Council in December 2011.

Both committees voted against opening the official records of employee discipline action – the notice of intent to discipline, the final disciplinary action that resulted in a written reprimand or warning, suspension, loss of pay, demotion or termination, and the employee’s response to the disciplinary action. In both committees, only one member voted in support of this portion of petitioner’s proposal.

The Committee on Probation also voted unanimously in favor of that portion of the proposed amendment that specifies that supporting documentation, investigation files, and any other disciplinary records are closed. The Committee on Superior Court had previously approved this provision.

Dated this 21st day of May, 2012.

/s/
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